


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/927,802
Applicants : Zuhua ZHU, et. al.
Filed : August 10, 2001
TC/A.U. : 2633
Examiner : Bello, Agustin.
Docket No. : 0980/65686
Title : OPTICAL COMMUNICATIONS SYSTEM AND VERTICAL
CAVITY SURFACE EMITTING LASER THEREFOR

Confirmation No. 6317

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I hereby certify that this correspondence is being facsimile transmitted to
the USPTO at (703) 872-9306 on the date shown below.

 1/12/05

Brian J. Daiuto
Reg. No. 38,422

Date

886 Ilima Court
Palo Alto CA 94306

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated October 22, 2004, Applicants
submit the following remarks.

Notice of Paper Submission Under 37 C.F.R. 1.34(a)

The present paper is submitted under 37 CFR 1.34(a) and MPEP 405 by an
undersigned Applicant's representative who is not the attorney of record in the present
application. All communications regarding the present application should continue to be

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Restr. Req. Response Dated January 12, 2005
Response to Restr. Req. Dated October 22, 2004

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directed to the attorney of record, Ivan S. Kavrukov, Cooper & Dunham LLP, 1155 Avenue of the Americas, New York, NY 10036.

Reconsideration and Modification Request Pursuant to 37 CFR 1.143

In response to the Restriction Requirement dated October 22, 2004, Applicants at least partially traverse insofar as the Restriction Requirement does not appear to address the subject matter of FIGS. 1, 1A, 2, and 2A or the related claims 1-23, 24-36, 37-44, 45-50, and 93-96. A request for modification pursuant to 37 CFR 1.143 is presented here. Insofar as the present application indeed relates to a communications system, as well as to some particular VCSEL devices for use in that communications system and fabrication methods thereof, Applicants respectfully request that the Examiner form a "Group IV" category directed primarily to FIGS. 1, 1A, 2, and 2A, and to examine that Group IV in the present application. Applicants could then subsequently file further divisional applications relating to the "Species I, II, and III" groups (generally, FIGS. 4-10) that were identified in the Restriction Requirement dated October 22, 2004.

For the purpose of the present examination, the proposed Group IV would be associated with the following claims: Claims 1-11, 24-27, 37-38, 45-46, and 93-96.


Provisional Election Under 37 CFR 1.143

In the event that the Examiner declines to form and examine the proposed Group IV above or similar grouping, Applicants provisionally elect Species II, Claims 61-65 and 80-84. While it appears that the selected Species II claims are generic to both subspecies A (Fig. 6) and Subspecies B (Fig. 7), Applicants would provisionally elect Subspecies A if required to make such election. Should the Examiner have any questions concerning this matter, the attorney of record, Ivan S. Kavrukov, can be contacted at (212)-278-0400.

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Respectfully Submitted,



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Reminder: The attorney of record is →

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